

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS  
EAST ST. LOUIS DIVISION

|                            |   |                         |
|----------------------------|---|-------------------------|
| UNITED STATES OF AMERICA,  | ) |                         |
|                            | ) |                         |
| Plaintiff,                 | ) |                         |
|                            | ) |                         |
| v.                         | ) | JUDGE WILLIAM L. BEATTY |
|                            | ) |                         |
| MONSANTO CHEMICAL COMPANY, | ) |                         |
| CERRO COPPER PRODUCTS CO., | ) | Civil No. 99-63-WLB     |
| MOBIL OIL COMPANY,         | ) |                         |
| PAUL SAUGET,               | ) |                         |
| SOLUTIA, INC.,             | ) |                         |
| and HAROLD W. WIESE,       | ) |                         |
|                            | ) |                         |
| Defendants.                | ) |                         |

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**ANSWERS AND OBJECTIONS OF PLAINTIFF THE UNITED STATES  
OF AMERICA TO DEFENDANT PAUL SAUGET'S  
FIRST SET OF INTERROGATORIES TO PLAINTIFF**

In accordance with Fed. R. Civ. P. 33 and 34, plaintiff the United States of America answers and objects as follows to the interrogatories of defendant Paul Sauget. These answers are based upon information presently known to the United States. As the United States develops its case through discovery and other means, it will supplement or amend these responses as appropriate and in accordance with Fed. R. Civ. P. 26(e).

**I. GENERAL OBJECTIONS**

The following general objections will be asserted if applicable to the interrogatories responded to below.

1. Plaintiff objects to interrogatories to the extent they call for information which

falls under attorney-client privilege, attorney work product privilege, or governmental deliberative process privilege.

2. Plaintiff objects to interrogatories to the extent they request information readily ascertainable from public records or other publicly available information. Such a request imposes an unnecessary and costly burden on the plaintiff.

3. The United States objects to these interrogatories to the extent they request a review or analysis of records and documents where such review or analysis would be duplicative, cumulative, unduly burdensome, or oppressive and pursuant to Fed. R. Civ. P. 33(d) where appropriate refers defendant to documents either developed, submitted or otherwise in your possession or control or contained in the Administrative Record for this Site.

4. Plaintiff objects to interrogatories that request the United States to identify each and every document relating to the information requested in each particular interrogatory as unduly burdensome and oppressive.

5. The United States objects to interrogatories to the extent they are compound or include subparts. Notwithstanding this objection and subject to the general and specific objections noted below, the United States has endeavored to supply the information it possesses that is called for by a reasonable construction of these interrogatories.

### **INTERROGATORIES**

1. Describe in detail the complete factual basis for the allegations in the Complaint regarding Paul Sauget's alleged liability, identifying in relation thereto specific information, specific documents and specific persons with knowledge of facts that Plaintiff alleges support each purported basis for liability.

**OBJECTIONS:** Plaintiff objects to this interrogatory to the extent it requires the United

States to identify "the complete factual basis". The request for "a complete factual basis" limits the United States from relying on other facts either not now known to it or the significance of which is not currently clear. The United States also objects to this interrogatory to the extent that the information requested is presumably in possession of defendant, and more readily available to it than the United States.

ANSWER: Without waiving its objections, Mr. Sauget states in his 104(e) responses that he does not recall what his earlier positions with Sauget and Company were but that he ultimately became the President of Sauget & Company. He states that "As President my work included overseeing all of the operations of Sauget and Company." See Paul Sauget's Section 104(e) Responses dated October 27, 1994. According to the Articles of Incorporation of Industrial Salvage and Sauget & Company the listed purposes of the corporations include:

to process accumulate, treat, remove, haul and dispose of  
chemical waste materials...

To make use of land fill and other inhibitors to resist the seepage  
of such chemical waste products to areas of processing.

See Articles of Incorporation for Industrial Salvage & Disposal, Inc. dated November 9, 1959 and Articles of Incorporation for Sauget & Co. dated March 25, 1965. Based upon these documents, Paul Sauget served as the Secretary and a director of both Industrial Salvage and Sauget & Company. Id. In his Section 104(e) responses, Mr. Sauget states that Site G was owned by his father until the 1960's. This is supported by the applicable land records which indicate that Leo Sauget sold Site G in parcels to several parties. See Title Records contained in the Administrative Record for the Site. The persons with specific knowledge of these facts is Mr. Paul Sauget. The United States' investigation continues and the United States will

supplement this answer as appropriate.

2. Identify with specificity the complete factual basis for the allegation that Paul Sauget was a member of the Board of Directors of Industrial Salvage.

OBJECTIONS: Plaintiff objects to this interrogatory to the extent it requires the United States to identify "the complete factual basis". The request for "a complete factual basis" limits the United States from relying on other facts either not now known to it or the significance of which is not currently clear. The United States also objects to this interrogatory to the extent that the information requested is presumably in possession of defendant, and more readily available to it than the United States.

ANSWER: Without waiving its objections, the United States refers the defendant to its Answer to Interrogatory No. 1.

3. Identify with specificity the complete factual basis for the allegation that Paul Sauget was an officer of Industrial Salvage.

OBJECTIONS: Plaintiff objects to this interrogatory to the extent it requires the United States to identify "the complete factual basis". The request for "a complete factual basis" limits the United States from relying on other facts either not now known to it or the significance of which is not currently clear. The United States also objects to this interrogatory to the extent that the information requested is presumably in possession of defendant, and more readily available to it than the United States.

ANSWER: Without waiving its objections, the United States refers the defendant to its Answer to Interrogatory No. 1.

4. Identify with specificity the complete factual basis for the allegation that Paul Sauget exercised control over Industrial Salvage disposal operations.

**OBJECTIONS:** Plaintiff objects to this interrogatory to the extent it requires the United States to identify “the complete factual basis”. The request for “a complete factual basis” limits the United States from relying on other facts either not now known to it or the significance of which is not currently clear. The United States also objects to this interrogatory to the extent that the information requested is presumably in possession of defendant, and more readily available to it than the United States.

**ANSWER:** Without waiving its objection, plaintiff refers the defendant to its Answer to Interrogatory No. 1 and further states that Paul Sauget served as the Secretary and a director of Industrial Salvage. See Articles of Incorporation for Industrial Salvage & Disposal, Inc. dated November 9, 1959. He also stated in his Section 104(e) responses that with respect to Industrial Salvage he drove trucks to scrap yards. He also states that he believes that certain wastes were disposed of at these Sites by Monsanto and Mobil Oil. See Paul Sauget’s Section 104(e) Responses dated October 27, 1994. The United States further states that this information may be in the possession of one or more of the defendants and may be obtained through further discovery. The United States’ investigation continues and the United States will supplement this answer as appropriate.

5. Identify with specificity the complete factual basis for the allegation that Paul Sauget was directly and personally engaged in alleged hazardous waste disposal operations of Industrial Salvage.

**OBJECTIONS:** Plaintiff objects to this interrogatory to the extent it requires the United States to identify “the complete factual basis”. The request for “a complete factual basis” limits the United States from relying on other facts either not now known to it or the significance of which is not currently clear. The United States also objects to this interrogatory to the extent

that the information requested is presumably in possession of defendant, and more readily available to it than the United States.

ANSWER: Without waiving its objections, the United States refers the defendant to its Answers to Interrogatory No.s 1 and 4.

6. Identify with specificity the complete factual basis for the allegation that Paul Sauget exercised control over Sauget & Company disposal operations.

OBJECTIONS: Plaintiff objects to this interrogatory to the extent it requires the United States to identify "the complete factual basis". The request for "a complete factual basis" limits the United States from relying on other facts either not now known to it or the significance of which is not currently clear. The United States also objects to this interrogatory to the extent that the information requested is presumably in possession of defendant, and more readily available to it than the United States.

ANSWER: Without waiving its objections, Plaintiff refers the defendant to its Answer to Interrogatory No. 1 and further states that Mr. Sauget in his 104(e) responses states that "With respect to Sauget & Company he does not recall what his earlier positions with Sauget and Company were but that I ultimately became the President of Sauget & Company. As President my work included overseeing all of the operations of Sauget and Company." See Paul Sauget's Section 104(e) Responses dated October 27, 1994. Response to Question 5. The United States further states that this information may be within the possession of one or more of the defendants and may be obtained through further discovery. The United States' investigation continues and the United States will supplement this answer as appropriate.

7. Identify with specificity the complete factual basis for the allegation that Paul Sauget and was directly and personally engaged in alleged hazardous waste disposal operations of Sauget & Company at the Site.

**OBJECTIONS:** Plaintiff objects to this interrogatory to the extent it requires the United States to identify "the complete factual basis." The request for "a complete factual basis" limits the United States from relying on other facts either not now known to it or the significance of which is not currently clear. The United States also objects to this interrogatory to the extent that the information requested is presumably in possession of defendant, and more readily available to it than the United States.

**ANSWER:** Without waiving its objections, the United States refers the defendant to its Answers to Interrogatory No.s 1 and 6.

8. Identify with specificity the complete factual basis for the allegation that Paul Sauget arranged for disposal of any hazardous substance at the Site, including but not limited to the following:

- (a) identify each person who has identified Paul Sauget as a generator of material that contains hazardous substances of the type released or disposed at the Site;
- (b) for each person identified in response to Interrogatory 2(a), with respect to each and every statement made by such person relating to the Site, whether such statement referred to Paul Sauget or not, describe the nature and content of each statement made, the context of the statement (e.g., a deposition in a specific case, an informal interview, a letter or other document, etc.), the form of the statement, provide the date of each statement, and identify each and every person present at each interview or discussion relating to the statement.
- (c) identify each and every document which relates to any disposal of hazardous substances from or by Paul Sauget at the Site, including each statement of each person identified in response to Interrogatory 2(a).

**OBJECTIONS:** Plaintiff objects to this interrogatory to the extent it requires the United States to identify "the complete factual basis." The request for "a complete factual basis" limits

the United States from relying on other facts either not now known to it or the significance of which is not currently clear. The United States also objects to this interrogatory to the extent that the information requested is presumably in possession of defendant, and more readily available to it than the United States.

ANSWER (a) -(c): Without waiving its objections, and assuming that the defendant means 8(a) as opposed to 2(a), plaintiff refers the defendant to its Answer to Interrogatory No. 1. and further states that it has no information responsive to (a) and (b). As for (c) Plaintiff refers the defendant to documents referenced in its Answer to Interrogatory No. 1 and in accordance with Fed. R. Civ. Pro. 33(c), plaintiff refers defendant the documents contained in its files that are available for public inspection and copying at the U.S. Environmental Protection Agency's offices at 77 West Jackson Boulevard, Chicago, Illinois 60604. U.S. EPA's office in Chicago. Finally, Plaintiff states that this information may be in the possession of one or more of the defendants and may be obtained through further discovery. The United States' investigation continues and the United States will supplement this answer as appropriate.

9. Specify the exact time period during which hazardous substances of the type that were released or disposed of at the Site were allegedly transported by or disposed of by Paul Sauget to or at the Site, and specify the date or dates on which any such hazardous substances were alleged to have been transported to or disposed of at the Site by Paul Sauget.

OBJECTIONS: Plaintiff objects to this interrogatory to the extent it requires the United States to "specify the exact time period." The request to "specify the exact time period" limits the United States from relying on other facts either not now known to it or the significance of which is not currently clear. The United States also objects to this interrogatory to the extent that the information requested is presumably in possession of defendant, and more readily



available to it than the United States.

ANSWER: Without waiving its interrogatories, upon information and belief, Site G was used as a disposal site by Industrial Salvage and Disposal, Inc. and Sauget & Company, from the early 1950's to 1970's. The United States' investigation of Mr. Sauget's involvement with the transportation or disposal of hazardous substances at Site G continues and the United States will supplement this answer as appropriate. Plaintiff further states that this information is may be within the possession of one or more of the defendants and may be obtained through further discovery.

10. Specify the exact time period during which hazardous substances of the type that were released or disposed of at the Site were allegedly transported by or disposed of by Industrial Salvage and/or Sauget & Company to or at the Site, and specify the date or dates on which any such hazardous substances were alleged to have been transported to or disposed of at the Site by either of those companies.

OBJECTIONS: Plaintiff objects to this interrogatory to the extent it requires the United States to "specify the exact time period." The request to "specify the exact time period" limits the United States from relying on other facts either not now known to it or the significance of which is not currently clear. The United States also objects to this interrogatory to the extent that the information requested is presumably in possession of defendant, and more readily available to it than the United States.

ANSWER: Without waiving its interrogatories, upon information and belief, Site G was used as a disposal site by Industrial Salvage and Disposal, Inc. and Sauget & Company from the early 1950's to 1970's. Plaintiff further states that this information is within the possession of one or more of the defendants and may be obtained through further discovery. The United States' investigation continues and the United States will supplement this answer as appropriate.

11. Specify the material containing hazardous substances alleged to have been transported to the Site or disposed of at the Site by Industrial Salvage and/or Sauget & Company, including the physical form, chemical composition and general nature of the alleged material, and identify the basis (i.e., identify the documents from which you obtained such information, and/or identify persons with knowledge of such information) for your information regarding the physical form, chemical composition and general nature of the hazardous substances alleged to be present in that material at the time it was at the Site.

ANSWER: Plaintiff refers the defendant to its Answers to Interrogatories No.s 1 and 4 and further states that several hazardous substances including but not limited to PCB's, dioxin, chlorobenenes, VOCs, BTEX, and petroleum wastes have been found at the Site. The substances are specifically identified in documents contained in the Administrative Record that include the Ecology and Environment Reports and the Removal Action Report dated 1994. The United States has no exact information at this stage of the discovery pertaining to which of these hazardous substances were disposed of by Industrial Salvage and/or Sauget & Company. Plaintiff further states that this information may be in the possession of one or more of the defendants and may be obtained through further discovery. The United States' investigation continues and the United States will supplement this answer as appropriate.

12. Identify each hazardous substance identified at the Site, including the time at which it was identified, by whom it was identified, how it was identified (i.e., the sampling, and analytical method used), the volume and concentration of each substance, the media (i.e., soil, groundwater, surface water or air) in which the substance was detected, and the physical location on the Site of each such substance, and provide documentation of any sampling, testing and/or analysis through which the hazardous substance(s) was identified.

ANSWER: Plaintiff refers the defendant to its Answer to Interrogatory No. 11 and further states that in accordance with Fed. R. Civ. Pro. 33(c), plaintiff refers defendant to the Ecology and Environment Removal Action Report dated August 19, 1994 and other technical documents that may respond to this interrogatory contained in its files that are available for

public inspection and copying at the U.S. Environmental Protection Agency's offices at 77 West Jackson Boulevard, Chicago, Illinois 60604. U.S. EPA's office in Chicago. The United States' investigation continues and the United States will supplement this answer as appropriate.

13. Identify all persons who participated in preparing the responses to Paul Saugel's First Set of Interrogatories to Plaintiff.

OBJECTION: Plaintiff objects to this interrogatory to the extent it requests information protected by the attorney-client privilege, attorney work product privilege, or governmental deliberative process privilege.

ANSWER: Factual responses were supplied by Michael McAtteer, U.S. EPA Region V Remedial Project Manager for the Site.

14. Identify each and every person with knowledge of each Plaintiff's use of the Site during the relevant time period.

OBJECTIONS: Plaintiff objects to this interrogatory to the extent it requires the United States to identify "each and every person" as overbroad and unduly burdensome. The United States also objects to this interrogatory as vague with regard to the term "use."

ANSWER: Without waiving its objections, although the United States does not necessarily consider the removal actions taken by U.S. EPA at the Site to be "uses", depending upon the defendant's use of that term, Samuel F. Borries, On-Scene Coordinator, U.S. EPA Region V has been involved in the removal and remedial aspects of the Site since the date of U.S. EPA's removal action and Michael McAteer has been the Remedial Project Manager for the Site since the summer of 1998. Any contact with these individuals must be initiated through the Department of Justice.

15. Identify each and every document relating to Plaintiff's use of the Site during the relevant time period.

OBJECTIONS: Plaintiff objects to this interrogatory to the extent it requires the United States to "identify each and every document." The request to "identify each and every document" limits the United States from relying on other facts either not now known to it or the significance of which is not currently clear. The United States also objects to this interrogatory as vague with regard to the term "use."

ANSWER: Without waiving its objections, although the United States does not necessarily consider the removal actions taken by U.S. EPA at the Site to be "uses", depending upon the defendant's use of that term and in accordance with Fed. R. Civ. Pro. 33(c), Plaintiff refers defendant refers the documents contained in its files that are available for public inspection and copying at the U.S. Environmental Protection Agency's offices at 77 West Jackson Boulevard, Chicago, Illinois 60604. U.S. EPA's office in Chicago. Specifically plaintiff refers the defendant to Ecology and Environment Removal Action Report of 1994 which details the actions taken at the Site by U.S. EPA.

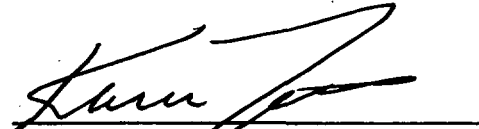
16. Identify any and all documents relating to the Plaintiff's alleged response costs, including but not limited to invoices, purchase orders, summaries of billings or payment histories, and any documents purported to demonstrate that any costs incurred were necessary and not inconsistent with the National Contingency Plan.

OBJECTIONS: Plaintiff objects to this interrogatory to the extent it requires the United States to "identify each and every document." The request to "identify each and every document" limits the United States from relying on other facts either not now known to it or the significance of which is not currently clear.

ANSWER: Plaintiff has produced to defendant the Itemized Cost Summary and work performed documents for Site G in response to its request.

Respectfully submitted,

LOIS J. SCHIFFER  
Assistant Attorney General  
Environment and Natural Resources Division

A handwritten signature in black ink, appearing to read 'Karen E. Torrent', is written over a horizontal line.

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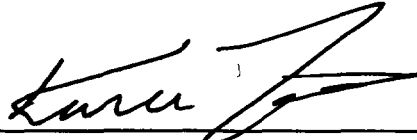
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**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the *United States Answers and Objections to Paul Sauget's First Set of Interrogatories* was served on the 2<sup>nd</sup> day of February 2000 by facsimile to counsel for Paul Sauget, GARDNER, CARTON & DOUGLAS and by U.S. mail in Washington D.C., to all counsel of record on the attached service list.

A handwritten signature in dark ink, appearing to read 'Karen E. Torrent', is written over a horizontal line.

KAREN E. TORRENT  
Trial Attorney

**United States v. Monsanto Chemical Co.**  
**Civil No.: 99-63-WLB**

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**VERIFICATION**

STATE OF ILLINOIS )  
 )  
COOK COUNTY )

MICHAEL McATEER, being duly sworn, depose and states that he is Remedial Project Manager, and that the facts contained within the foregoing ANSWERS AND OBJECTIONS TO PAUL SAUGET'S FIRST SET OF INTERROGATORIES are true and correct to the best of his knowledge, information and belief.

  
Michael McAteer

Subscribed and sworn to before me this 1<sup>st</sup> day of February, 2000

  
Notary Public

My Commission Expires  
\_\_\_\_\_

